

S/N 09/339,132

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant:	Rainey	Examiner:	Novosad, C.
Serial No.:	09/339,132	Group Art Unit:	3671
Issued:	June 24, 1999	Docket No.:	03616.0237USI1
Title:	SEGMENTAL RETAINING WALL SYSTEM		

Filed electronically on August 7, 2007.

**REQUEST FOR RECONSIDERATION OF DENIAL OF REQUEST FOR
CERTIFICATE OF CORRECTION**

Mail Stop Decisions and Certificates
of Correction Branch
Commissioner for Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450

Dear Sir:

The Assignee respectfully requests reconsideration of the denial on the request for Certificate of Correction mailed on July 18, 2007.

1. Attached as Exhibit A is a photocopy of the Request for Certificate of Correction filed on October 25, 2005.
2. Attached as Exhibit B is a copy of the Denial of Request for Certificate of Correction prepared by the PTO mailed on July 18, 2007.
3. Attached as Exhibit C is a photocopy of a Preliminary Amendment mailed on January 21, 2000, along with a stamped postcard receipt bearing a receipt date by the PTO of January 24, 2000. Page 2 of the Amendment shows an amendment to the specification that deletes the entire paragraph entitled "CROSS-REFERENCE TO RELATED APPLICATION."
4. Attached as Exhibit D is page 1 of the specification as filed, which shows the entire paragraph referred to as "CROSS-REFERENCE TO RELATED APPLICATION."

ARGUMENT

The PTO denied the Request for Certificate of Correction by stating that a priority claim cannot be added or withdrawn after patenting. As demonstrated above, the Preliminary Amendment submitted on January 21, 2000 and received by the PTO on January 24, 2000, had already withdrawn the priority claim. This is clear by the directive to the PTO to delete the entire paragraph entitled "CROSS-REFERENCE TO RELATED APPLICATION."

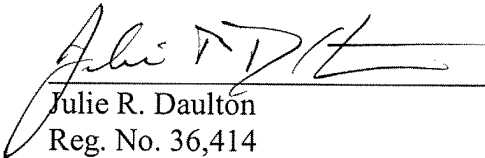
Therefore, this claimed priority should have been deleted by the PTO upon entry of that amendment. The Assignee again requests the PTO to issue a Certificate of Correction as submitted on October 25, 2005 as shown in Exhibit A.

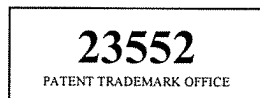
It is not believed that any fees are due. Nevertheless, the PTO is authorized to charge Deposit Account No. 13-2725 if there are fees due.

If the PTO believes a telephone conference would be helpful in resolving any outstanding issues in this patent, the PTO is invited to telephone the undersigned at the below listed telephone number.

Respectfully submitted,
MERCHANT & GOULD P.C.
P.O. Box 2903
Minneapolis, Minnesota 55402-0903
(612) 336-4724

Date: 8-7-07


Julie R. Daulton
Reg. No. 36,414
JRD:hwitt



PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Patent No.: 6,416,257 Docket: 3616.237USII
Issue Date: Jul. 9, 2002 Patentee: Rainey
Title: SEGMENTAL RETAINING WALL SYSTEM

CERTIFICATE UNDER 37 CFR 1.8:

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail, with sufficient postage, in an envelope addressed to: Certificate of Correction Branch, Commissioner for Patents P.O. Box 1450 Alexandria, Virginia 22313-1450 on October 25, 2005.

By: 

Name: Sharon Trent

REQUEST FOR CERTIFICATE OF CORRECTION

Certificate of Correction Branch
Commissioner for Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450

23552

PATENT TRADEMARK OFFICE

Sir:

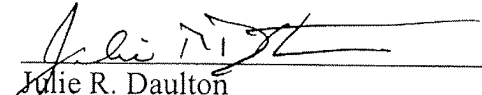
It is requested that a Certificate of Correction be issued correcting printing errors appearing in the above-identified United States patent. One copy of the text of the Certificate in the suggested form is enclosed.

As none of the errors listed is due to Applicant's mistake, no fee is necessary in connection with this Certificate.

Issuance of the Certificate of Correction would neither expand nor contract the scope of the claims, and re-examination is not required.

Respectfully submitted,
MERCHANT & GOULD P.C.
P.O. Box 2903
Minneapolis, Minnesota 55402-0903
(612) 332-5300

Date: 25 October 2005


Julie R. Daulton
Reg. No. 36,414
JRD:st

EXHIBIT

A

**UNITED STATES PATENT AND TRADEMARK OFFICE
CERTIFICATE OF CORRECTION**Page 1 of 1

PATENT NO. : 6,416,257 B1

APPLICATION NO.: 09/339,132

ISSUE DATE : Jul. 9, 2002

INVENTOR(S) : Rainey

It is certified that an error appears or errors appear in the above-identified patent and that said Letters Patent is hereby corrected as shown below:

Column 1, lines 3 to 5, the sentence "This is a continuation-in-part of U.S. patent application Ser. No. 09/049,627, filed Mar. 27, 1998 now U.S. Pat. No. 6,089,793." should be deleted.

MAILING ADDRESS OF SENDER (Please do not use customer number below):

Julie Daulton, Merchant & Gould, P.C., 3200 IDS Center, 80 S. Eighth St., Minneapolis, MN 55402-2215

This collection of information is required by 37 CFR 1.322, 1.323, and 1.324. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 1.0 hour to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Attention Certificate of Corrections Branch, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Patentee: Anchor Wall Systems, Inc. Docket: 3616.237US11
Patent No.: 6,416,257
Issued: July 9, 2002
Title: SEGMENTAL RETAINING WALL SYSTEM

CERTIFICATE UNDER 37 CFR 1.8:

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail, with sufficient postage, in an envelope addressed to: Mail Stop Certificate of Correction Branch, Commissioner for Patents P.O. Box 1450 Alexandria, Virginia 22313-1450 October 25, 2005.

By:

Name: Sharon Trent

Mail Stop Certificate of Correction Branch
Commissioner for Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450

Sir:

We are transmitting herewith the attached:

- ☒ Transmittal Sheet in duplicate containing Certificate of Mailing
- ☒ Request for Certificate of Correction
- ☒ Certificate of Correction
- ☒ Return postcard

Please consider this a PETITION FOR EXTENSION OF TIME for a sufficient number of months to enter these papers, if appropriate. Please charge any additional fees or credit overpayment to Deposit Account No. 13-2725. A duplicate of this sheet is enclosed.

Merchant & Gould P.C.
P.O. Box 2903 Minneapolis, MN 55402-0903
612.332.5300

By:

Name: Julie R. Daulton

Reg. No.: 36,414

JRD:S Trent

23552

PATENT TRADEMARK OFFICE

Receipt is hereby acknowledged for the following in the U.S. Patent and Trademark Office:

In re Application of: Anchor Wall Systems, Inc.

For: SEGMENTAL RETAINING WALL SYSTEM

Docket No.: 3616.237US11

Issued: July 9, 2002

Patent No.: 6,416,257

Date Mailed: October 25, 2005

☒ Transmittal Sheet in duplicate containing Certificate of Mailing

☒ Request for Certificate of Correction

☒ Certificate of Correction

Patent

JRD:S Trent



U.S. DEPARTMENT OF COMMERCE
PATENT AND TRADEMARK OFFICE
WASHINGTON, D.C. 20231



RECEIVED	0023	★
NOV 15 2005		★
		★

A request for a Certificate of Correction has been received for U.S. Patent 6416257

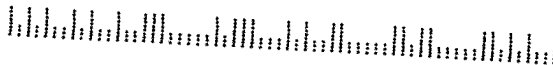
MERCHANT & GOULD
MINNEAPOLIS, MN 55402

NOV 15 2005

RECEIVED

JULIE R. DAULTON
MERCHANT & GOULD P.C.
POST OFFICE BOX 2903
MINNEAPOLIS, MINNESOTA

55402-0903





UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

July 18, 2007

Patent No. : 6416257 B1
Ser. No. : 09/339132
Inventor(s) : Rainey
Issued : June 24, 1999
Title : SEGMENTAL RETAINING WALL SYSTEM
Docket No. :

Re: Request for Certificate of Correction

Consideration has been given your request for the issuance of a certificate of correction for the above-identified patent under the provisions of Rule(s) 1.322 and/or 1.323.

Cannot withdraw or add a priority claim after patenting. This is the subject of a reissue application. See MPEP 1402.

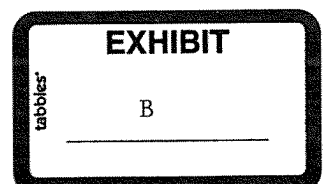
In view of the foregoing, your request is hereby denied.

Future correspondence concerning this matter should be filed and directed to Decisions & Certificates of Correction Branch.

Elisha Evans
For Cecelia Newman
Decisions & Certificates
of Correction Branch
(703) 308-9390 ext. 110 or (703) 308-8309

Julie Daulton
Merchant & Gould, P.C.
3200 IDS Center, 80 S. Eighth Street
MINNEAPOLIS MN 55402-2215

CBN/eme



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In Re Application of:)	
)	
Thomas L. Rainey)	Group Art Unit: 3635
)	
Serial No.: 09/339,132)	Examiner: Not Yet Assigned
)	
Filed: June 24, 1999)	Docket No. 51810-1050
)	
For: SEGMENTAL RETAINING)	
WALL SYSTEM)	

PRELIMINARY AMENDMENT

Honorable Commissioner of
Patents and Trademarks
Washington, D.C. 20231

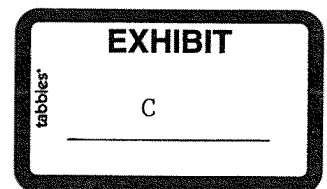
Sir:

Applicant submits the following preliminary amendment. It is not believed that additional fees are required, beyond those which may otherwise be provided for in documents accompanying this paper. However, in the event that additional fees are necessary, such fees are hereby authorized to be charged to our Deposit Account No. 20-0778.

CERTIFIED MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service as "First Class Mail," in an envelope addressed to: Assistant Commissioner of Patents and Trademarks, Box Amendment, Washington, D.C. 20231 on Jun 24, 2000.

Signature: Alison H Olson



Please amend the above-identified application as follows:

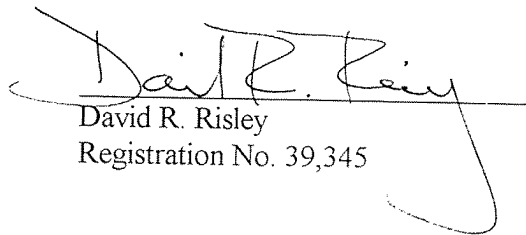
In the Specification

On page 1, line 3, please delete the entire paragraph entitled "**CROSS-REFERENCE TO RELATED APPLICATION**".

CONCLUSION

Applicant does not wish to claim priority to and the benefit of U.S. Patent Application Serial No. 09/049,627, filed March 27, 1998, for the present application. Should the Examiner have any questions regarding this amendment, the Examiner is invited to telephone the undersigned attorney.

Respectfully submitted,


David R. Risley
Registration No. 39,345

**THOMAS, KAYDEN, HORSTEMEYER
& RISLEY, L.L.P.**

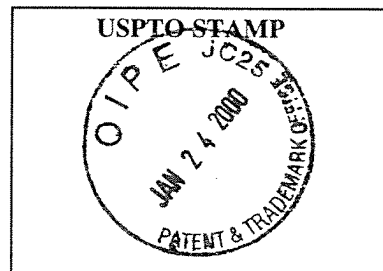
Suite 1500
100 Galleria Parkway N.W.
Atlanta, Georgia 30339
(770) 933-9500

THOMAS, KAYDEN,
HORSTEMEYER & RISLEY, L.L.P.

JAN 31 2000

Serial No.: 091339,132 Filed: 6-24-99
Patent No.: _____ Issued: _____
TM/SM Reg.: _____ Registered: _____
Applicant: Barney
Title: Modular Retaining Wall System
Docket No.: 51810-1050 C/M Date: 1/21/00
EM No.: _____ Due Date: / /

**PATENT AND TRADEMARK
OFFICE STAMP HEREON
ACKNOWLEDGES RECEIPT OF
THE BELOW IDENTIFIED
APPLICATION & PAPERS:**



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\$ _____

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| <input type="checkbox"/> Missing Parts Response | <input type="checkbox"/> Statement of Use & Declaration
_____ Specimen(s) |
| <input type="checkbox"/> Verified Small Entity Statement(s)
Under 37 CFR 1.9 and 1.27 | <input type="checkbox"/> Affidavit of Use _____ Specimens |
| <input type="checkbox"/> Declaration and Power of Attorney | <input type="checkbox"/> \$ 8 Only <input type="checkbox"/> §§ 8 & 15 |
| <input type="checkbox"/> Amendment | <input type="checkbox"/> Application for Renewal |
| <input type="checkbox"/> <input type="checkbox"/> Non-Final <input type="checkbox"/> Final | <input type="checkbox"/> TM <input type="checkbox"/> SM _____ Specimens |
| <input checked="" type="checkbox"/> Preliminary Amendment <u>(Second)</u> | <input type="checkbox"/> Request for Extension of Time
to File Statement of Use - _____ |
| <input type="checkbox"/> Petition for Extension of
Time to: <u>/ /</u> | |
| <input type="checkbox"/> Amendment Transmittal Page | |
| <input type="checkbox"/> Status Inquiry (in duplicate) | |
| <input type="checkbox"/> Assignment <input type="checkbox"/> Cover Sheet | |
| <input type="checkbox"/> IDS/Form PTO-1449 | |
| <input type="checkbox"/> Copies of Cited Prior Art Docs. | |
| <input type="checkbox"/> Issue Fee Transmittal <input type="checkbox"/> Duplicate | |
| <input type="checkbox"/> Maintenance Fee Transmittal | |
| <input type="checkbox"/> <input type="checkbox"/> 3.5 <input type="checkbox"/> 7.5 <input type="checkbox"/> 11.5 | |
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| <input type="checkbox"/> Terminal Disclaimer | |
| <input type="checkbox"/> Request for Correction | |
| <input type="checkbox"/> Other: _____ | |

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- ☒ Certificate of Mailing ☒ Reg. ☐ Exp.
☐ _____ Sheets of Drawings
☐ Formal ☐ Informal
☐ Letter/Transmittal to Draftsman
☐ Prior to NOA ☐ Within NOA
☐ Notice of Appeal
☐ Appeal Brief
☐ Request for Refund
☐ Petition to Make Special

Initials of Person Mailing:

DRR, Amo

SEGMENTAL RETAINING WALL SYSTEM

CROSS-REFERENCE TO RELATED APPLICATION

This is a continuation-in-part of U.S. Patent Application Serial No. 09/049,627, filed
5 March 27, 1998.

FIELD OF THE INVENTION

The invention relates generally to earth retaining walls. More particularly, the
invention relates to a segmental retaining wall system comprising retaining means for
10 attaching reinforcement members to the retaining wall.

BACKGROUND OF THE INVENTION

Segmental retaining walls commonly are used for architectural and site
development applications. Such walls are subjected to very high pressures exerted by
15 lateral movements of the soil, temperature and shrinkage effects, and seismic loads.
Therefore, the wall is often tied into the backfill soil, typically with tensile reinforcement
members. Usually, elongated structures, commonly referred to as geogrids or
reinforcement fabrics, are used to provide this reinforcement. Geogrids often are
configured in a lattice arrangement and are constructed of a metal or plastic, while

